

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

MARLON DANTRUCE WILLIAMS,  
(TDCJ-CID #935987)

Petitioner,

vs.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION H-14-0604

**MEMORANDUM AND OPINION**

The petitioner has failed to submit an application to proceed as a pauper or to pay a fee of \$5.00, as required by the Clerk's Notice of Deficient Pleading entered March 17, 2014. (Docket Entry No. 4). The notice specifically provided that failure to comply as directed may result in the dismissal of this action. The petitioner's failure to file an application to proceed *in forma pauperis* or pay the filing fee forces this court to conclude that he lacks due diligence. Dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE, FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 2002). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is dismissed without prejudice for want of prosecution. The petitioner's motion for leave to waive the exhaustion requirement, (Docket Entry No. 2), is denied without prejudice.

SIGNED on April 24, 2014, at Houston, Texas.



Lee H. Rosenthal  
United States District Judge